UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

GLEN HAGEN,

Plaintiff,

v.

NCR CORPORATION, DOES 1 through 100,

Defendants.

Civil No. 07cv2205 DMS (CAB)

ORDER DENYING JOINT MOTION TO CONTINUE EARLY NEUTRAL EVALUATION CONFERENCE [Doc. No. 5.]

On January 7, 2008, Defendants filed an Answer to Plaintiff's Complaint. On that same day, this Court issued a Notice and Order that an Early Neutral Evaluation Conference was scheduled for February 13, 2008, at 2:00 p.m. before the Honorable Cathy Ann Bencivengo. Now, on the eve of the scheduled conference, the parties submit a joint motion and stipulation to continue the conference until the end of February 2008. The request is **DENIED**.

The January 7, 2008 Order ("Order") listed **mandatory** guidelines for the parties preparing for the Early Neutral Evaluation Conference. In particular, the Order clearly stated that absent extraordinary circumstances, requests for continuances will not be considered unless submitted in writing no less than **7 days** prior to the scheduled conference. Here, the parties did not submit their request to continue the conference until the day before the ENE was scheduled. The parties have also failed to demonstrate extraordinary circumstances for the delay in seeking the continuance. Accordingly, the request is **DENIED**. All parties and their counsel shall be present **in person,** and legally and factually prepared to discuss settlement of the case. Failure to appear at the ENE conference will be grounds for sanctions.

Additionally, the Order required the parties to submit confidential ENE statements directly to chambers, no later than **5 court days** prior to the ENE. Counsel for Plaintiff submitted a timely statement on February 6, 2008. However, Counsel for Defendants failed to provide a statement until approximately 2:00 p.m. on February 12, 2008, the day before the scheduled conference. Furthermore, the required statement was not provided until after this Court called Counsel for Defendants to inquire as to whether a statement would be submitted. Counsel for Defendants never offered an excuse as to why they failed to submit a timely statement. Counsel for Defendants are admonished to carefully read and comply with this Court's orders in the future.

IT IS SO ORDERED.

DATED: February 12, 2008

CATHY ANN BENCIVENGO
United States Magistrate Judge